

c) size fractionating the amplification product to provide a measure of the said motif of the chromosomal DNA between said primer pairs,
wherein the size of the amplification product is polymorphic for said locus and provides a marker for genotyping said plants.

Please add new claim 18, as follows:

18. (New) The method of claim 14, wherein one or more primer pairs are selected from the group consisting of primers selected from SEQ ID NOS 1 to 466, wherein x is an odd integer from 1 to 465.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicant request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

REMARKS

Claims 14-17 are pending in the application. Claims 14 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Morgante in view of Mets.

In response, claims 15 and 16 were canceled, and new claim 18 was added. Claim 14 was amended to comply with the Commissioner's decision relating to our petition, and to incorporate what Examiner had deemed as allowable subject matter. See page 5 of the last Office Action.

As indicated in the Commissioner's decision, the restriction requirement that limited the claims only to SEQ ID NOS 1 and 2 has been withdrawn. In addition, SEQ ID NOS. 1-20 are now reinstated as elected species.

Applicant has incorporated SEQ ID NOS 1-20 into claim 14, along with clear language defining what constitutes a primer pair. It is respectfully suggested that the Applicant's method is clearly patentable over Morgante and Mets.

Accordingly, Applicant respectfully requests withdrawal of the rejections under 103(a) and allowance of the claims.


CONCLUSION

Amended independent claim 14 now includes clear references to primer pairs defined by SEQ ID NOS. 1-20 as permitted by Commissioner's withdrawal of the restriction requirement and reinstating the previously elected species.

Claim 14 is believed to comprise allowable subject matter as previously indicated by Examiner in the last action.

Reconsideration of the application and allowance of the claims is respectfully solicited.

Respectfully submitted


Theodore A. Gottlieb, Ph.D. (Reg. No. 42,597)
Norris, McLaughlin & Marcus
220 East 42nd Street
New York, NY 10017
telephone (646) 487-5675
facsimile (212) 808-0844

MARKED UP VERSION OF AMENDED CLAIMS

14. (amended twice) A method of genotyping plants of the *Triticum aestivum* species and the genus ~~tribe~~ Triticeae at a microsatellite locus, the method comprising

a) amplifying chromosomal DNA with one or more oligonucleotide primer pairs specifically hybridizing to said locus of a region of said chromosomal DNA, wherein said region of the DNA comprises a repeated dinucleotide motif comprising at least one of the following selected from the group consisting of $(GA:CT)_n$, $(GT:CA)_n$, $(AT:TA)_n$, where $n \geq 10$, to obtain an amplification product,

b) wherein each primer pair consists of a first oligonucleotide of SEQ ID NO. x and a second oligonucleotide of SEQ ID NO. x+1, and wherein x = 1, 3, 5, 7, 9, 11, 13, 15, 17, 19; and

c) size fractionating the amplification product to provide a measure of the said motif of the chromosomal DNA between said primer pairs,

wherein the size of the amplification product is polymorphic for said locus and provides a marker for genotype for genotyping said plants.